

## **Local Attorneys Lend a Free Hand**

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Upon admission to the bar, every Colorado lawyer must recite the Lawyer's Oath, which states in part: "I will never reject, from any consideration personal to myself, the cause of the defenseless or the oppressed." To that end, attorneys are expected, although not required, to contribute 25 hours a year pro bono - free - for the common good.

However, the 1998 Report of the Legal Services/Pre Bono Committee, of the Judicial Advisory Council found that the ability of low- and middle-income Coloradans to obtain equal access to the legal system has been limited by the number of lawyers available and willing to serve them and by the growing complexity of the law.

The law in Northern Colorado remains as complex as it is anywhere else, but the willingness of attorneys to take on pro bono work in defense of the "defenseless or oppressed" appears to be exemplary.

Generally speaking, there are three routes to equal access for those who cannot afford legal counsel: the public defender's office (for criminal- cases); legal services (federally funded); and the local bar associations that coordinate pro bono work. Both legal services and the bar associations complement each other in ways that provide a fairly broad net of support. Despite the population growth in the area and the uneasiness in the economy, the resilience of this net has proven remarkably strong.

"The advantage of our program is its predictability," said Amy Rosenberg, chair of the Pro Bono Project for Larimer County. "Every Wednesday, we have review and intake in Fort Collins; every Thursday, we have review and intake in Loveland. It is always at the same time and in the same place."

### **Long history in Larimer**

The work by the Larimer County Bar Association has been going on for 18 years, and in that time several thousand clients have been

served. During the 51-week period between June 2000 and May 2001, 250 individuals came through intake in Fort Collins. Of those, 150 got the advice they needed and 33 received attorney referrals. In Loveland, 23 were assigned attorneys.

Rosenberg explained that the Pro Bono Project does not take on criminal cases, bankruptcies, dependent or neglected children, or fee generating cases such as personal injury.

"In personal-injury cases, an attorney can work for a contingency fee," she said. "Most of our cases involve domestic law. This is an area where we have seen an increase in a need for help."

In addition to the referrals made through the bar association, Larimer County conducts bar clinics and classes.

"Once a month I instruct a divorce class, and every other month I teach a class in parental responsibility (custody) or the single parent," said Kris Merkel, pro bono and legal-aid coordinator for the Larimer County Bar Association. "We provide all the forms and teach people who come how to handle the process pro se, on their own."

Merkel has noticed that there has been an increase over the past year in domestic cases. She attributes part of this increase to the fact that people have been moving to Colorado in hopes of finding the promised land, as outlined in Money Magazine. What they have found instead is a minimum-wage job market and out-of-sight real estate prices. To make matters worse, the economy has flattened.

"When the economy goes bad, families that are already struggling tend to fall apart," she observed.

Federally funded legal services, in both Larimer and Weld counties, have also felt the pressure of increased domestic dissolution.

Mario Rivera, managing attorney in the Greeley office, noted that his staff of six has handled 100 more cases in 2001 than in 2000.

"The highest number of cases for us are domestic," he said. "Given our resources, we can only handle the most pressing cases such as restraining orders. We are also being inundated by bankruptcies, but in those cases we can only take on cases of workers whose wages are being garnished and who can't take care of their basic needs with what they have left."

Rivera pointed out that helping clients, many of whom are not native English speakers, becomes problematic as demands increase and funding to the Legal Services Corp. remains stagnant.

"The Reagan administration cut back funding by a third in 1982, and then the Contract with America cut funds again," he said. "So we continue to work with a budget that is two-thirds of what it was."

David Bye, Rivera's counterpart in Larimer County, works with a staff of seven. He faces the ongoing quandary of seeing a need for more outreach in the community but lacking the resources to implement it.

"If it had not been for Warren Rudman (R-New Hampshire), the Legal Services Corp. might have disappeared altogether," Bye said. "As it is, we are restricted in how we can proceed. We cannot bring class-action suits, and we cannot ask for attorney's fees when we win a case. Those restrictions take a big bite out of our power."

### **Work often challenging**

Both Rivera and Bye added that despite the pinch in federal support, the generosity of their local bar associations and the Legal Aid Foundation keep the neediest in Northern Colorado well-represented. But representing this group, a group that often lacks education and legal sophistication, can challenge even the most-dedicated attorney. Some clients have no phone and no other address but the one at the shelter.

"Many of those who come to us do not understand the implications of communications from the court," said Rosenberg. "So by the time we get the case, it is a crisis. Sometimes it is difficult to talk to a client directly. The attorneys who take on these cases often do so on extremely short notice."

She also noted that while an attorney might be taking on a case pro bono, the implications of handling the case poorly remain constant.

"If you handle the case wrong, you are exposed for damages," she said. "And once you're on a case, you stay on unless you can get the court's permission to withdraw. Very few realize what a service attorneys volunteer to the community."

In part, grants from the Colorado Lawyers Trust Account Foundation defray some of the costs associated with maintaining a strong pro bono, program. These funds cover the salary of the paralegal

coordinator (Kris Markel in Larimer County), telephones, office supplies and malpractice insurance.

"The work that our attorneys do is remarkable," said Rosenberg. "Some-times our clients are not the most agreeable in the world, but this year when I put out forms asking for pro bono work, they started coming back by fax almost immediately."

While the will to assist the low income population has not abated in Northern Colorado, those involved with federally funded legal services must wait to see who President Bush appoints to the board of the Legal Services Corp. And they hope the spirit of Warren Rudman will prevail.